

## **EXHIBIT C**

SHEET 16 PAGE 61

1 00060  
2 1 intelligent design stands for? What does it  
3 2 teach?  
4 3 A. Other than what I expressed, that's--  
5 4 Scientists, a lot of scientists-- Don't ask me  
6 5 the names. I can't tell you where it came from.  
7 6 A lot of scientists believe that back through  
8 7 time, something, molecules, amoeba, whatever,  
9 8 evolved into the complexities of life we have  
10 9 now.  
11 10 Q. That's the theory of intelligent design?  
12 11 A. You asked me my understanding of it. I'm not a  
13 12 scientist. I can't go into detail and debate  
14 13 you on it.  
15 14 Q. I don't want you to debate me on it. I don't  
16 15 want you to debate anybody on it.  
17 16 A. It's a scientific theory.  
18 17 Q. How is it different from evolution to your  
19 18 understanding?  
20 19 A. I don't understand the question.  
21 20 Q. Do you understand the theory of intelligent  
22 21 design to be different from the theory of  
23 22 evolution?  
24 23 A. Yes.  
25 24 Q. You do?  
26 25 A. Yes.

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1 00062  
2 1 dictate.  
3 2 Q. I'm still-- Maybe I'm confused because I had my  
4 3 own idea of what it meant because I just glanced  
5 4 at Of Pandas and People. But let me just tell  
6 5 you a few things that I was under the impression  
7 6 that intelligent design, some ideas that it  
8 7 advanced, and you can tell me whether you  
9 8 understand me to be correct or not.  
10 9 One, I understood that intelligent design  
11 10 said that life and living things were created or  
12 11 begun by some intelligent designer, some  
13 12 intelligent being. Is that your understanding?  
14 13 A. No.  
15 14 Q. Do you have any understanding like that?  
16 15 A. No. Do you suppose we could soon take a break?  
17 16 Q. Sure.  
18 17 (Recess taken)  
19 18 BY MR. HARVEY:  
20 19 Q. Mr. Buckingham, does intelligent design teach  
21 20 that life like a manufactured object is the  
22 21 result of intelligent shaping of matter?  
23 22 A. I think one-- I think intelligent design  
24 23 expresses an order as opposed to the theory of  
25 24 evolution which talks about chance.  
26 25 Q. It expresses an order you said?

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1 00061  
2 1 Q. Just to be clear, we're using theory now in the  
3 2 same way that you defined it earlier in the  
4 3 deposition.  
5 4 A. Okay.  
6 5 Q. Just refresh my recollection, how did you use  
7 6 the term theory?  
8 7 A. Can you tell me how I defined it?  
9 8 Q. No way she's going to be able to go back.  
10 9 A. I don't remember what I said.  
11 10 Q. I think you said something about something  
12 11 that's not proven.  
13 12 MR. GILLEN: Something scientifically  
14 13 debatable is what my notes reflect, Stephen.  
15 14 A. I'll stand by that.  
16 15 BY MR. HARVEY:  
17 16 Q. So when we say-- I'm using it the way you used  
18 17 it. So my question is, how is intelligent  
19 18 design different from evolution, if at all?  
20 19 A. They're different theories in that some  
21 20 scientists believe that-- We're going back over  
22 21 the same ground, I think. Some scientists  
23 22 believe that it could be tiny amoeba again --  
24 23 I'll go back there -- generated a process where  
25 24 the complexities of life occurred, not as random  
26 25 I'll say as what the process of evolution would

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1 00063  
2 1 A. An orderly process to things.  
3 2 Q. Who or what directed that order?  
4 3 A. I don't know.  
5 4 Q. But my question was, does intelligent design  
6 5 teach that life like a manufactured object is  
7 6 the result of intelligent shaping of matter?  
8 7 A. I don't know about shaping. I think there's an  
9 8 order in intelligent design that's not in  
10 9 evolution. Whether or not it's shaping, I don't  
11 10 know.  
12 11 Q. Does intelligent design teach that life itself  
13 12 owes its origin to a master intellect?  
14 13 A. A master intellect?  
15 14 Q. Yes.  
16 15 A. I won't say that, no.  
17 16 Q. Is that something you would want presented to  
18 17 the students at Dover High School?  
19 18 MR. GILLEN: Objection, calls for  
20 19 speculation.  
21 20 A. A master intellect?  
22 21 BY MR. HARVEY:  
23 22 Q. Yes. Would you want the students told that life  
24 23 itself owes its origin to a master intellect?  
25 24 A. No.  
26 25 Q. Would you want the students told that

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1 00064  
2 1 intelligent design locates the origins of new  
3 2 organisms in an immaterial cause, in a  
4 3 blueprint, a plan, a pattern devised by an  
5 4 intelligent agent?  
6 5 MR. GILLEN: Objection, calls for  
7 6 speculation.  
8 7 A. I don't even understand what that means.  
9 8 BY MR. HARVEY:  
10 9 Q. Do you want me to read--  
11 10 A. Is there a way to simplify the question?  
12 11 Q. Okay, sure. Would you want the students taught  
13 12 that intelligent design teaches that new  
14 13 organisms were caused by or created in  
15 14 accordance with a plan devised by an intelligent  
16 15 agent?  
17 16 A. No.  
18 17 Q. Does intelligent design teach that various forms  
19 18 of life began abruptly through an intelligent  
20 19 agency?  
21 20 MR. GILLEN: Objection, foundation.  
22 21 A. Could you repeat the question.  
23 22 BY MR. HARVEY:  
24 23 Q. Does intelligent design teach that the various  
25 24 forms of life began abruptly through an  
26 25 intelligent agency?

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1 00065  
2 1 A. I don't believe so.  
3 2 Q. Was that something you would want the students  
4 3 taught?  
5 4 MR. GILLEN: Objection, calls for  
6 5 speculation.  
7 6 A. That's not up to me. I don't think so, no.  
8 7 BY MR. HARVEY:  
9 8 Q. But personally you wouldn't want that, right?  
10 9 A. No.  
11 10 Q. I mean, in other words, I'm correct?  
12 11 A. Yes.  
13 12 Q. Does intelligent design teach that similarities  
14 13 between organisms are explained because there  
15 14 was a common designer as opposed to a common  
16 15 ancestor?  
17 16 A. I don't believe it says that.  
18 17 Q. Would you want students taught that similarities  
19 18 between organisms are explained as being due to  
20 19 a common designer?  
21 20 MR. GILLEN: Objection, hypothetical and  
22 21 calls for speculation.  
23 22 A. So I'm supposed to answer that?  
24 23 MR. GILLEN: Yes.  
25 24 MR. HARVEY: Yes.  
26 25 A. I hate to-- Can you say it one more time,

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1 00066  
2 1 please.  
3 2 BY MR. HARVEY:  
4 3 Q. Sure. Would you want the students taught that  
5 4 similarities between organisms are explained as  
6 5 being due to a common designer?  
7 6 A. No.  
8 7 Q. Where did the school district board of directors  
9 8 get the idea to include intelligent design in  
10 9 the curriculum?  
11 10 MR. GILLEN: Objection to the extent the  
12 11 question calls him to answer for other board  
13 12 members.  
14 13 A. I first heard of it from the board president,  
15 14 Alan Bonsell.  
16 15 BY MR. HARVEY:  
17 16 Q. When was that?  
18 17 A. When I first came on the board. That would have  
19 18 been approximately two years ago.  
20 19 Q. What did he say about it then?  
21 20 A. I can't give you a quote on what he said. I  
22 21 just know it was mentioned.  
23 22 Q. When is the next time you heard of it?  
24 23 A. I don't know.  
25 24 Q. Well, we know that it made its way into the  
26 25 board resolution of October 18, correct?

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1 00067  
2 1 A. Yes.  
3 2 Q. Do you know how it got its way into the board  
4 3 resolution? Where did it first come from?  
5 4 A. First came-- It was mentioned to me by Alan  
6 5 Bonsell.  
7 6 Q. Then after that, was it ever mentioned again?  
8 7 A. I don't know that it was.  
9 8 Q. Well, you were on the curriculum committee in  
10 9 the summer of 2004?  
11 10 A. Yes.  
12 11 Q. And the curriculum committee looked at it,  
13 12 didn't they?  
14 13 A. I won't say the curriculum committee did. I  
15 14 did.  
16 15 Q. What did you do to look at it?  
17 16 A. I researched through-- I looked it up on a  
18 17 computer.  
19 18 Q. Where did you look?  
20 19 A. I probably just put intelligent design, and it  
21 20 went where it took me. I couldn't tell you  
22 21 where that was.  
23 22 Q. Do you remember what websites you went to?  
24 23 A. No.  
25 24 Q. Did you end up talking to anybody in person  
26 25 either -- I mean live over the phone or in

SHEET 23 PAGE 89

1 00088  
2 1 versions of that document. One has handwritten  
3 2 notes. One does not. Page 35 does not have the  
4 3 handwritten notes. Did you see either of them  
5 4 just for Stephen's benefit?  
6 5 A. It's possible. To tell you I remember specific  
7 6 paper out of all the papers we see, you know, it  
8 7 wouldn't be fair to me or you.  
9 8 BY MR. HARVEY:  
10 9 Q. So you don't remember seeing this?  
11 10 A. No.  
12 11 Q. Well, at the top it says, recommendations, and  
13 12 it says, students-- It has a recommendation  
14 13 apparently from the administration and staff,  
15 14 one from Mr. Bonsell, one from Casey Brown, and  
16 15 one from you.  
17 16 A. Okay.  
18 17 Q. And they all differ slightly. Do you see that?  
19 18 A. Yes.  
20 19 Q. I want to know if that's your recollection of  
21 20 what all your various views were.  
22 21 A. That's my recollection. I just didn't know if I  
23 22 saw this paper before.  
24 23 Q. Okay, fine. So you wanted-- Under Number 4,  
25 24 you wanted something that would say students  
26 25 will be made aware of other theories of

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1 00090  
2 1 A. No.  
3 2 Q. Do you know how many meetings there were? Was  
4 3 it two, three, or four or more?  
5 4 A. At least four. The last one-- Well, there was  
6 5 at least four.  
7 6 Q. Was it fair to say that the staff didn't want a  
8 7 reference to intelligent design?  
9 8 A. What staff?  
10 9 Q. The faculty I mean.  
11 10 A. That's true.  
12 11 Q. And that you did want a reference to intelligent  
13 12 design?  
14 13 A. That's true.  
15 14 Q. Do you remember what Ms. Brown's view was?  
16 15 A. I think she was opposed to it.  
17 16 Q. What about Mr. Bonsell, did he want a reference  
18 17 to intelligent design or not?  
19 18 A. He did-- There was a point where he wasn't  
20 19 sure, and there was a point where he did. I'm  
21 20 not sure where we are here.  
22 21 Q. Now, so at least at this point as of October 7th  
23 22 you were the one who wanted intelligent design  
24 23 included in the revised curriculum?  
25 24 A. I was one of the people that did. I wasn't the  
26 25 only one.

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1 00089  
2 1 evolution including, but not limited to,  
3 2 intelligent design, right?  
4 3 A. True.  
5 4 Q. Mr. Bonsell according to the handwritten comment  
6 5 that's been written in there wanted the same  
7 6 thing?  
8 7 MR. GILLEN: Objection to the surmise as to  
9 8 what that handwritten comment says.  
10 9 MR. HARVEY: Fair enough.  
11 10 BY MR. HARVEY:  
12 11 Q. Did Mr. Bonsell want the same thing as you?  
13 12 A. I don't know.  
14 13 Q. Well, did you attend curriculum meetings with  
15 14 Mr. Bonsell?  
16 15 A. Yes.  
17 16 Q. How many did you attend?  
18 17 A. Several.  
19 18 Q. Tell me when those meetings were to the best of  
20 19 your recollection.  
21 20 A. I couldn't come close.  
22 21 Q. Were the faculty and staff represented at those  
23 22 meetings?  
24 23 A. Yes.  
25 24 Q. Were the faculty and staff represented at all of  
26 25 those meetings?

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1 00091  
2 1 Q. Who were the others?  
3 2 A. Sheila Harkins, Janie Cleaver, Heather Geesey.  
4 3 Was Heather there then. I'm not sure if Heather  
5 4 Geesey was on the board then. I know she wanted  
6 5 it.  
7 6 Q. I believe she was.  
8 7 A. Okay, she wanted it. Angie Yingling indicated  
9 8 she did. Noel Wenrich wanted it. I guess  
10 9 that's about it.  
11 10 Q. What about Alan Bonsell?  
12 11 A. Alan wanted it.  
13 12 Q. So that's everybody but the Browns wanted it?  
14 13 A. I guess so.  
15 14 Q. You just told me that's at the time of October  
16 15 the 18th. Do I understand that correctly?  
17 16 A. No. We're talking about October the 7th, aren't  
18 17 we?  
19 18 Q. Yes, good clarification. Had the matter been  
20 19 discussed with the entire board as of October 7?  
21 20 A. I'm sure it had.  
22 21 Q. In other words, how did you know all these  
23 22 people wanted it?  
24 23 A. I'm sure it was talked about at the board  
25 24 meetings.  
26 25 Q. Do you remember when? Prior to October the

SHEET 27 PAGE 105

1 00104

2 1 A. With limitations and by approval of the board.

3 2 BY MR. HARVEY:

4 3 Q. Why did you want them to teach any theories that

5 4 they thought plausible?

6 5 MR. GILLEN: Objection to the

7 6 characterization of his testimony.

8 7 A. I didn't get your question. I'm sorry.

9 8 BY MR. HARVEY:

10 9 Q. Why did you want the teachers to be able to

11 10 teach any theories they thought plausible?

12 11 MR. GILLEN: Same objection.

13 12 A. In an effort to round out the scientific

14 13 education of the students in the class.

15 14 BY MR. HARVEY:

16 15 Q. Is it a concern of you that the mainstream

17 16 scientific community doesn't accept intelligent

18 17 design as scientific teaching at all?

19 18 MR. GILLEN: Objection, foundation.

20 19 A. I don't know that that's true, so it's not a

21 20 concern for me.

22 21 BY MR. HARVEY:

23 22 Q. I mean, you don't recognize that it's true that

24 23 the scientific community doesn't -- the

25 24 mainstream scientific community at the very

26 25 least does not accept intelligent design as

PAGE 106

1 00105

2 1 valid science?

3 2 MR. GILLEN: Same objection.

4 3 A. What constitutes mainstream?

5 4 BY MR. HARVEY:

6 5 Q. I'm just asking you if you have an understanding

7 6 on that subject.

8 7 A. I know there are a lot of scientists that oppose

9 8 some parts of Darwin's theory of evolution, and

10 9 I know there are scientists who support aspects

11 10 of intelligent design.

12 11 Q. If the teachers didn't want to teach it, why are

13 12 you making them mention it?

14 13 A. Again, as part of an effort to round out the

15 14 scientific education of the students.

16 15 Q. I know that's true, but you're not a

17 16 professional science educator, correct?

18 17 A. That's correct.

19 18 Q. You don't know anything really about science.

20 19 Isn't that correct?

21 20 A. I wouldn't say that.

22 21 Q. Well, you know very little about science?

23 22 A. I know water is HO.

24 23 Q. You don't have any background in science beyond

25 24 what's--

26 25 A. I'm not a professional.

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1 00106

2 1 Q. Are you a very knowledgeable lay person?

3 2 A. With regards to what?

4 3 Q. Science.

5 4 A. Depends on what very knowledgeable means.

6 5 Q. Do you subscribe to any scientific publications?

7 6 A. No.

8 7 Q. Have you ever?

9 8 A. No.

10 9 Q. Do you follow science developments?

11 10 A. Yes.

12 11 Q. Where?

13 12 A. Discovery channel, things like that on TV.

14 13 Q. Other than that, do you read about it in any

15 14 newspapers?

16 15 A. Yeah.

17 16 Q. Which ones, York Daily Record?

18 17 A. York Dispatch. We only have two.

19 18 Q. Well, you don't read those regularly, correct?

20 19 I mean, you already told me that.

21 20 A. I don't read the letters to the editor, and I

22 21 don't pay attention to what they say about this

23 22 issue.

24 23 Q. Well, you told me you read the obituaries and

25 24 the sports page very clearly earlier, correct?

26 25 A. Yeah. But I didn't say that was all I read.

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1 00107

2 1 Q. In any event, you've got teachers that are

3 2 professional science educators, and you pay them

4 3 money to teach the students, correct?

5 4 A. That's true.

6 5 Q. Why did you disregard their advice on this?

7 6 MR. GILLEN: Objection, foundation.

8 7 A. I won't say we disregarded it. They didn't want

9 8 to teach it, and they don't have to.

10 9 BY MR. HARVEY:

11 10 Q. Well, they didn't want it mentioned. Isn't that

12 11 correct?

13 12 A. There were some teachers that indicated that

14 13 they weren't comfortable with mentioning that.

15 14 Q. So why did you overrule them, these professional

16 15 science educators?

17 16 A. It's our job as a school board to set the

18 17 curriculum. I won't say we overruled them

19 18 because their concern was that because

20 19 intelligent design was in the curriculum that we

21 20 were forcing them to teach it. We told them

22 21 multiple times no.

23 22 Q. You were just forcing them to mention it?

24 23 A. To acknowledge that that scientific theory does

25 24 exist.

26 25 Q. Right. But they were against that, correct?



SHEET 28 PAGE 109

1 00108  
 2 1 A. Yes.  
 3 2 Q. Why did you force them to mention it when they  
 4 3 didn't want to as professional science  
 5 4 educators?  
 6 5 A. As school board-- As a school board, we thought  
 7 6 it was in the best interest of the students to  
 8 7 do that.  
 9 8 Q. That's I mean-- I mean, I would hope that would  
 10 9 be true.  
 11 10 A. It is true.  
 12 11 Q. But why did you think it was in the best  
 13 12 interest of the students to overrule the  
 14 13 professional science educators?  
 15 14 A. I think the science educators were operating out  
 16 15 of fear. And, again, we thought it would be in  
 17 16 the best interest of the students and a way to  
 18 17 step towards giving them a fuller scientific  
 19 18 education to mention this theory and other  
 20 19 theories.  
 21 20 Q. Why do you think the school teachers were  
 22 21 operating out of fear?  
 23 22 A. I guess they're afraid of the ACLU. I don't  
 24 23 know. You have to ask them that.  
 25 24 Q. Did they ever tell you they were afraid?  
 26 25 A. They said they were afraid of being sued.

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1 00110  
 2 1 A. As I recall, yes.  
 3 2 Q. Do you remember that approximately 11 people  
 4 3 from the public stood up and spoke about it?  
 5 4 A. I don't know how many people.  
 6 5 Q. Do you remember that 10 of them spoke against  
 7 6 it?  
 8 7 A. No, I don't remember that.  
 9 8 Q. Do you remember anyone speaking for it?  
 10 9 A. Yes.  
 11 10 Q. Who was that?  
 12 11 A. You know, they come to the podium. They give a  
 13 12 name. And I know that the people normally that  
 14 13 come and speak against it are either relatives  
 15 14 or friends of teachers.  
 16 15 Q. Why would relatives and friends of teachers  
 17 16 speak against it?  
 18 17 A. I don't know.  
 19 18 MR. GILLEN: Objection, foundation.  
 20 19 A. Don't know.  
 21 20 BY MR. HARVEY:  
 22 21 Q. Angie Yingling voted for the resolution on  
 23 22 October 18th, correct?  
 24 23 A. Yes.  
 25 24 Q. Did you know that she later stated that she felt  
 26 25 pressured to do that because people called her

PAGE 110

1 00109  
 2 1 Q. What did they say they were afraid of being sued  
 3 2 about?  
 4 3 A. Intelligent design. They were afraid it would  
 5 4 be considered something else.  
 6 5 Q. But that was all later when they said that they  
 7 6 were afraid of being sued. Initially they were  
 8 7 just against teaching it or mentioning it.  
 9 8 Isn't that correct?  
 10 9 A. That's not correct. They always had a  
 11 10 background of being afraid they'd be sued.  
 12 11 Q. Now, was the board meeting on October the 18th  
 13 12 taped?  
 14 13 A. I don't know. As I recall, our normal secretary  
 15 14 was out, and someone else was operating the  
 16 15 equipment, and I think there was something --  
 17 16 something happened with the taping process.  
 18 17 That's my recollection.  
 19 18 Q. Do you remember what happened at the meeting  
 20 19 October 18th?  
 21 20 A. With regards to?  
 22 21 Q. Intelligent design and the board's resolution.  
 23 22 A. Did we establish that we passed it then?  
 24 23 Q. Yes.  
 25 24 A. Yeah.  
 26 25 Q. Do you remember the discussion that took place?

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1 00111  
 2 1 an atheist if they didn't support it?  
 3 2 A. She never told me that.  
 4 3 Q. Did you ever hear that?  
 5 4 A. Not from her.  
 6 5 Q. Did you hear it from anybody?  
 7 6 A. I might have. I think I did hear it from  
 8 7 somebody, but I don't know who.  
 9 8 Q. Was it true? Did anybody say that to her?  
 10 9 A. Not to my knowledge.  
 11 10 Q. Did you have any conversations with her about  
 12 11 it?  
 13 12 A. About being an atheist?  
 14 13 Q. About pressuring her to support the resolution.  
 15 14 A. Did I-- I don't understand the question.  
 16 15 Q. Did you have any conversations with Ms. Yingling  
 17 16 about supporting the resolution?  
 18 17 A. Yes.  
 19 18 Q. Tell me about that conversation, everything you  
 20 19 can remember.  
 21 20 A. I just asked her how she felt about it.  
 22 21 Q. What did she say?  
 23 22 A. She said I'll support you a hundred percent.  
 24 23 Q. Did you say anything else to her?  
 25 24 A. No, not that I recall. I don't know what else I  
 26 25 would have said.

SHEET 33 PAGE 129

1 00128

2 1 Q. Were you aware whether The Discovery Institute

3 2 made a public statement that the -- that they

4 3 don't endorse or support what the Dover School

5 4 District has done?

6 5 MR. GILLEN: Objection, relevance.

7 6 A. I haven't seen it. I've heard it.

8 7 BY MR. HARVEY:

9 8 Q. Now, if you'll turn to the article of the Daily

10 9 Record on the 20th on the third page of that.

11 10 A. Third page. I only have two pages.

12 11 Q. The one on October 20th.

13 12 A. Or did I turn two at once?

14 13 Q. There are actually two on October 20th. The

15 14 title is Dover Curriculum Move Likely a First.

16 15 A. Okay.

17 16 Q. It says there that -- I'm talking now the sixth

18 17 paragraph down -- it says, but the sentence

19 18 about intelligent design, referring to the board

20 19 resolution, was added by committee members

21 20 Buckingham, Alan Bonsell, and Sheila Harkins at

22 21 a meeting not attended by district staff.

23 22 A. How far down?

24 23 Q. Sixth paragraph down, but the sentence about

25 24 intelligent design was added by.

26 25 A. Okay, I see that.

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1 00129

2 1 Q. Is that true?

3 2 A. Yes.

4 3 Q. Now, I'd like to ask you some questions about

5 4 the implementation of the policy of the board

6 5 resolution. It's your understanding that--

7 6 What's your understanding of how this is going

8 7 to be implemented, the board's resolution?

9 8 A. It's my understanding that the teachers are

10 9 going to teach Darwin's theory of evolution and

11 10 through the course of that teaching or in the

12 11 process of that teaching, at some point in time

13 12 it will be mentioned to the students that other

14 13 scientific theories exist and intelligent design

15 14 is one of those theories, scientific theories.

16 15 Q. What if students have questions about

17 16 intelligent design, what are they going to be

18 17 told?

19 18 MR. GILLEN: Objection, foundation.

20 19 BY MR. HARVEY:

21 20 Q. Do you know?

22 21 A. They're supposed to take those questions home to

23 22 their parents or take them to a pastor at

24 23 church. The books that are donated they have

25 24 access to those if they want to take one home

26 25 and read it, discuss it with parents, whatever.

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1 00130

2 1 Q. Has there ever been a time when you've been on

3 2 the board when views of the teachers in the

4 3 school district have been not followed?

5 4 A. Say that again, I'm sorry.

6 5 Q. Has there ever been a time when you've been on

7 6 the school board where the views of the teachers

8 7 were not followed on a matter?

9 8 A. I'm not involved in some of the subcommittees.

10 9 I can't answer that one way or the other. I

11 10 don't know.

12 11 Q. I'd like you to-- So, in other words, not to

13 12 your knowledge?

14 13 A. I don't know, six, one half dozen of the other.

15 14 Q. Please take a look at Deposition Exhibit 2.

16 15 This is the answer to the complaint in this

17 16 matter.

18 17 A. Okay.

19 18 Q. On Page 2 and 3 it contains a long quote from

20 19 the Congressional Record of something that

21 20 Senator Santorum had inserted into the record.

22 21 Do you see that?

23 22 A. Yeah.

24 23 Q. Have you ever seen that before?

25 24 A. Before when?

26 25 Q. Before today.

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1 00131

2 1 A. I saw it last night.

3 2 Q. Before last night, had you ever seen it before?

4 3 A. No.

5 4 Q. Did the board ever discuss it?

6 5 A. Not to my knowledge.

7 6 Q. Did the board ever discuss the No Child Left

8 7 Behind Act?

9 8 A. Oh, yeah.

10 9 Q. Did it discuss it in reference to the biology

11 10 curriculum?

12 11 A. No.

13 12 Q. Turn to Page 4. There's references to two

14 13 Supreme Court cases.

15 14 A. Okay.

16 15 Q. Did the board ever discuss either of those

17 16 references?

18 17 A. Not to my knowledge.

19 18 Q. Did you ever read this answer before yesterday?

20 19 A. No.

21 20 Q. Did you ever see any parts of it before

22 21 yesterday?

23 22 A. No.

24 23 Q. Do you know what creationism is?

25 24 A. Yes.

26 25 Q. What is creationism in your view?

SHEET 34 PAGE 133

1 00132  
 2 1 A. In my view?  
 3 2 Q. Or your understanding.  
 4 3 A. Pretty much the book of Genesis.  
 5 4 Q. That subject has never come up at any school  
 6 5 board meeting to your recollection?  
 7 6 A. In what context?  
 8 7 Q. In any context.  
 9 8 A. Any context at all? It's been brought up by the  
 10 9 teachers.  
 11 10 Q. When was it brought up by the teachers?  
 12 11 A. Different times we talked about intelligent  
 13 12 design they kept rolling it over into  
 14 13 creationism.  
 15 14 Q. Was that at the board meetings?  
 16 15 A. Yeah.  
 17 16 Q. So the teachers mentioned creationism at board  
 18 17 meetings?  
 19 18 A. Yes.  
 20 19 Q. What did they say about that?  
 21 20 A. They were afraid that intelligent design would  
 22 21 be perceived as a back doorway to get  
 23 22 creationism into the curriculum.  
 24 23 Q. Do you know when that was said, what board  
 25 24 meetings?  
 26 25 A. It was said on different occasions at different

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1 00134  
 2 1 personal beliefs in any respect?  
 3 2 MR. GILLEN: Objection, relevance.  
 4 3 A. It depends on what context it's put in.  
 5 4 BY MR. HARVEY:  
 6 5 Q. Well, any context.  
 7 6 A. In any context, no, it's not inconsistent.  
 8 7 Q. Do you know who developed the press release  
 9 8 that's attached as an exhibit to the answer in  
 10 9 this matter?  
 11 10 A. The administration did. Exactly who it was, I  
 12 11 don't know, but it came from the administration.  
 13 12 Q. Did you have any role in that?  
 14 13 A. No.  
 15 14 Q. Did you review any drafts of it?  
 16 15 A. No.  
 17 16 Q. I just need to clarify one thing from earlier.  
 18 17 We asked-- I asked you what was your purpose in  
 19 18 supporting the board resolution of October 18th.  
 20 19 Do you remember that?  
 21 20 A. Yes.  
 22 21 Q. And you told me some things about having a  
 23 22 balance between various--  
 24 23 A. Scientific theories.  
 25 24 Q. Right. And I'm not sure whether I asked you  
 26 25 specifically what was said by the other board

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1 00133  
 2 1 board meetings throughout this process.  
 3 2 Q. Which teachers?  
 4 3 A. Bertha Spahr, Jen Miller.  
 5 4 Q. What was said in response to that by any people  
 6 5 on the board?  
 7 6 A. We indicated that it is not our intent to teach  
 8 7 creationism. It is not our intent to teach  
 9 8 intelligent design. Our intent is to explain to  
 10 9 the students that there are other theories,  
 11 10 scientific theories, along with Darwin's theory  
 12 11 of evolution.  
 13 12 Q. Earlier today I asked you about whether the  
 14 13 theory of evolution was inconsistent with your  
 15 14 personal religious beliefs, and you told me it  
 16 15 was. You don't need to confirm that. Just kind  
 17 16 of remember--  
 18 17 A. I think I said it wasn't.  
 19 18 Q. No. You definitely said that the theory of  
 20 19 evolution was inconsistent with your personal  
 21 20 religious beliefs at least to the extent that it  
 22 21 taught that life forms were derived from a  
 23 22 common ancestor.  
 24 23 A. Origins of life, yes.  
 25 24 Q. Is the theory of intelligent design as you've  
 26 25 phrased it, is that inconsistent with your

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1 00135  
 2 1 members about the purpose of the resolution or  
 3 2 even if you remember hearing anything about  
 4 3 that.  
 5 4 A. That was consistent with what I said earlier to  
 6 5 you.  
 7 6 Q. Do you remember statements made by the board  
 8 7 members?  
 9 8 A. Absolutely.  
 10 9 Q. Which board members?  
 11 10 A. Alan Bonsell, Sheila Markins, Heather Geesey,  
 12 11 Janie Cleaver, myself, Noel Wenrich. I guess  
 13 12 that's it.  
 14 13 Q. And you remember all of those people speaking up  
 15 14 about the purpose?  
 16 15 A. Yes, I do.  
 17 16 Q. Was that on October 18th?  
 18 17 A. I won't say it was on October 18th. That  
 19 18 happened I would say within a period of three  
 20 19 meetings, two before and October the 18th.  
 21 20 Q. It was all, as I understand, a balanced  
 22 21 presentation of these theories, correct?  
 23 22 MR. GILLEN: Objection to the  
 24 23 characterization of the testimony.  
 25 24 BY MR. HARVEY:  
 26 25 Q. Well, I just want to understand.



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SHEET 16 PAGE 61

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intelligent design stands for? What does it teach?

A. Other than what I expressed, that's-- Scientists, a lot of scientists-- Don't ask me the names. I can't tell you where it came from. A lot of scientists believe that back through time, something, molecules, amoeba, whatever, evolved into the complexities of life we have now.

Q. That's the theory of intelligent design?

A. You asked me my understanding of it. I'm not a scientist. I can't go into detail and debate you on it.

Q. I don't want you to debate me on it. I don't want you to debate anybody on it.

A. It's a scientific theory.

Q. How is it different from evolution to your understanding?

A. I don't understand the question.

Q. Do you understand the theory of intelligent design to be different from the theory of evolution?

A. Yes.

Q. You do?

A. Yes.

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dictate.

Q. I'm still-- Maybe I'm confused because I had my own idea of what it meant because I just glanced at Of Pandas and People. But let me just tell you a few things that I was under the impression that intelligent design, some ideas that it advanced, and you can tell me whether you understand me to be correct or not.

One, I understood that intelligent design said that life and living things were created or begun by some intelligent designer, some intelligent being. Is that your understanding?

A. No.

Q. Do you have any understanding like that?

A. No. Do you suppose we could soon take a break?

Q. Sure.

(Recess taken)

BY MR. HARVEY:

Q. Mr. Buckingham, does intelligent design teach that life like a manufactured object is the result of intelligent shaping of matter?

A. I think one-- I think intelligent design expresses an order as opposed to the theory of evolution which talks about chance.

Q. It expresses an order you said?

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Q. Just to be clear, we're using theory now in the same way that you defined it earlier in the deposition.

A. Okay.

Q. Just refresh my recollection, how did you use the term theory?

A. Can you tell me how I defined it?

Q. No way she's going to be able to go back.

A. I don't remember what I said.

Q. I think you said something about something that's not proven.

MR. GILLEN: Something scientifically debatable is what my notes reflect, Stephen.

A. I'll stand by that.

BY MR. HARVEY:

Q. So when we say-- I'm using it the way you used it. So my question is, how is intelligent design different from evolution, if at all?

A. They're different theories in that some scientists believe that-- We're going back over the same ground, I think. Some scientists believe that it could be tiny amoeba again -- I'll go back there -- generated a process where the complexities of life occurred, not as random. I'll say as what the process of evolution would

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A. An orderly process to things.

Q. Who or what directed that order?

A. I don't know.

Q. But my question was, does intelligent design teach that life like a manufactured object is the result of intelligent shaping of matter?

A. I don't know about shaping. I think there's an order in intelligent design that's not in evolution. Whether or not it's shaping, I don't know.

Q. Does intelligent design teach that life itself owes its origin to a master intellect?

A. A master intellect?

A. Yes.

A. I won't say that, no.

Q. Is that something you would want presented to the students at Dover High School?

MR. GILLEN: Objection, calls for speculation.

A. A master intellect?

BY MR. HARVEY:

Q. Yes. Would you want the students told that life itself owes its origin to a master intellect?

A. No.

Q. Would you want the students told that

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intelligent design locates the origins of new organisms in an immaterial cause, in a blueprint, a plan, a pattern devised by an intelligent agent?

MR. GILLEN: Objection, calls for speculation.

A. I don't even understand what that means.

BY MR. HARVEY:

Q. Do you want me to read--

A. Is there a way to simplify the question?

Q. Okay, sure. Would you want the students taught that intelligent design teaches that new organisms were caused by or created in accordance with a plan devised by an intelligent agent?

A. No.

Q. Does intelligent design teach that various forms of life began abruptly through an intelligent agency?

MR. GILLEN: Objection, foundation.

A. Could you repeat the question.

BY MR. HARVEY:

Q. Does intelligent design teach that the various forms of life began abruptly through an intelligent agency?

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please.

BY MR. HARVEY:

Q. Sure. Would you want the students taught that similarities between organisms are explained as being due to a common designer?

A. No.

Q. Where did the school district board of directors get the idea to include intelligent design in the curriculum?

MR. GILLEN: Objection to the extent the question calls him to answer for other board members.

A. I first heard of it from the board president, Alan Bonsell.

BY MR. HARVEY:

Q. When was that?

A. When I first came on the board. That would have been approximately two years ago.

Q. What did he say about it then?

A. I can't give you a quote on what he said. I just know it was mentioned.

Q. When is the next time you heard of it?

A. I don't know.

Q. Well, we know that it made its way into the board resolution of October 18, correct?

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A. I don't believe so.

Q. Was that something you would want the students taught?

MR. GILLEN: Objection, calls for speculation.

A. That's not up to me. I don't think so, no.

BY MR. HARVEY:

Q. But personally you wouldn't want that, right?

A. No.

Q. I mean, in other words, I'm correct?

A. Yes.

Q. Does intelligent design teach that similarities between organisms are explained because there was a common designer as opposed to a common ancestor?

A. I don't believe it says that.

Q. Would you want students taught that similarities between organisms are explained as being due to a common designer?

MR. GILLEN: Objection, hypothetical and calls for speculation.

A. So I'm supposed to answer that?

MR. GILLEN: Yes.

MR. HARVEY: Yes.

A. I hate to-- Can you say it one more time,

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A. Yes.

Q. Do you know how it got its way into the board resolution? Where did it first come from?

A. First came-- It was mentioned to me by Alan Bonsell.

Q. Then after that, was it ever mentioned again?

A. I don't know that it was

Q. Well, you were on the curriculum committee in the summer of 2004?

A. Yes.

Q. And the curriculum committee looked at it, didn't they?

A. I won't say the curriculum committee did. I did.

Q. What did you do to look at it?

A. I researched through-- I looked it up on a computer.

Q. Where did you look?

A. I probably just put intelligent design, and it went where it took me. I couldn't tell you where that was.

Q. Do you remember what websites you went to?

A. No.

Q. Did you end up talking to anybody in person either -- I mean live over the phone or in

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1 00088  
2  
3 versions of that document. One has handwritten  
4 notes. One does not. Page 35 does not have the  
5 handwritten notes. Did you see either of them  
6 just for Stephen's benefit?  
7 A. It's possible. To tell you I remember specific  
8 paper out of all the papers we see, you know, it  
9 wouldn't be fair to me or you.  
10 BY MR. HARVEY:  
11 9 Q. So you don't remember seeing this?  
12 10 A. No.  
13 11 Q. Well, at the top it says, recommendations, and  
14 12 it says, students-- It has a recommendation  
15 13 apparently from the administration and staff,  
16 14 one from Mr. Bonsell, one from Casey Brown, and  
17 15 one from you.  
18 16 A. Okay.  
19 17 Q. And they all differ slightly. Do you see that?  
20 18 A. Yes.  
21 19 Q. I want to know if that's your recollection of  
22 20 what all your various views were.  
23 21 A. That's my recollection. I just didn't know if I  
24 22 saw this paper before.  
25 23 Q. Okay, fine. So you wanted-- Under Number 4,  
26 24 you wanted something that would say students  
25 25 will be made aware of other theories of

PAGE 90

1 00089  
2 1 evolution including, but not limited to,  
3 2 intelligent design, right?  
4 3 A. True.  
5 4 Q. Mr. Bonsell according to the handwritten comment  
6 5 that's been written in there wanted the same  
7 6 thing?  
8 7 MR. GILLEN: Objection to the surmise as to  
9 8 what that handwritten comment says.  
10 9 MR. HARVEY: Fair enough.  
11 10 BY MR. HARVEY:  
12 11 Q. Did Mr. Bonsell want the same thing as you?  
13 12 A. I don't know.  
14 13 Q. Well, did you attend curriculum meetings with  
15 14 Mr. Bonsell?  
16 15 A. Yes.  
17 16 Q. How many did you attend?  
18 17 A. Several.  
19 18 Q. Tell me when those meetings were to the best of  
20 19 your recollection.  
21 20 A. I couldn't come close.  
22 21 Q. Were the faculty and staff represented at those  
23 22 meetings?  
24 23 A. Yes.  
25 24 Q. Were the faculty and staff represented at all of  
26 25 those meetings?

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1 00090  
2 1 A. No.  
3 2 Q. Do you know how many meetings there were? Was  
4 3 it two, three, or four or more?  
5 4 A. At least four. The last one-- Well, there was  
6 5 at least four.  
7 6 Q. Was it fair to say that the staff didn't want a  
8 7 reference to intelligent design?  
9 8 A. What staff?  
10 9 Q. The faculty I mean.  
11 10 A. That's true.  
12 11 Q. And that you did want a reference to intelligent  
13 12 design?  
14 13 A. That's true.  
15 14 Q. Do you remember what Ms. Brown's view was?  
16 15 A. I think she was opposed to it.  
17 16 Q. What about Mr. Bonsell, did he want a reference  
18 17 to intelligent design or not?  
19 18 A. He did-- There was a point where he wasn't  
20 19 sure, and there was a point where he did. I'm  
21 20 not sure where we are here.  
22 21 Q. Now, so at least at this point as of October 7th  
23 22 you were the one who wanted intelligent design  
24 23 included in the revised curriculum?  
25 24 A. I was one of the people that did. I wasn't the  
26 25 only one.

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1 00091  
2 1 Q. Who were the others?  
3 2 A. Sheila Harkins, Janie Cleaver, Heather Geesey.  
4 3 Was Heather there then. I'm not sure if Heather  
5 4 Geesey was on the board then. I know she wanted  
6 5 it.  
7 6 Q. I believe she was.  
8 7 A. Okay, she wanted it. Angie Yingling indicated  
9 8 she did. Noel Wenrich wanted it. I guess  
10 9 that's about it.  
11 10 Q. What about Alan Bonsell?  
12 11 A. Alan wanted it.  
13 12 Q. So that's everybody but the Browns wanted it?  
14 13 A. I guess so.  
15 14 Q. You just told me that's at the time of October  
16 15 the 18th. Do I understand that correctly?  
17 16 A. No. We're talking about October the 7th, aren't  
18 17 we?  
19 18 Q. Yes, good clarification. Had the matter been  
20 19 discussed with the entire board as of October 7?  
21 20 A. I'm sure it had.  
22 21 Q. In other words, how did you know all these  
23 22 people wanted it?  
24 23 A. I'm sure it was talked about at the board  
25 24 meetings.  
26 25 Q. Do you remember when? Prior to October the

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SHEET 27 PAGE 105

1 00104  
2 1 A. With limitations and by approval of the board.  
3 2 BY MR. HARVEY:  
4 3 Q. Why did you want them to teach any theories that  
5 4 they thought plausible?  
6 5 MR. GILLEN: Objection to the  
7 6 characterization of his testimony.  
8 7 A. I didn't get your question. I'm sorry.  
9 8 BY MR. HARVEY:  
10 9 Q. Why did you want the teachers to be able to  
11 10 teach any theories they thought plausible?  
12 11 MR. GILLEN: Same objection.  
13 12 A. In an effort to round out the scientific  
14 13 education of the students in the class.  
15 14 BY MR. HARVEY:  
16 15 Q. Is it a concern of you that the mainstream  
17 16 scientific community doesn't accept intelligent  
18 17 design as scientific teaching at all?  
19 18 MR. GILLEN: Objection, foundation.  
20 19 A. I don't know that that's true, so it's not a  
21 20 concern for me.  
22 21 BY MR. HARVEY:  
23 22 Q. I mean, you don't recognize that it's true that  
24 23 the scientific community doesn't -- the  
25 24 mainstream scientific community at the very  
26 25 least does not accept intelligent design as

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1 00105  
2 1 valid science?  
3 2 MR. GILLEN: Same objection.  
4 3 A. What constitutes mainstream?  
5 4 BY MR. HARVEY:  
6 5 Q. I'm just asking you if you have an understanding  
7 6 on that subject.  
8 7 A. I know there are a lot of scientists that oppose  
9 8 some parts of Darwin's theory of evolution, and  
10 9 I know there are scientists who support aspects  
11 10 of intelligent design.  
12 11 Q. If the teachers didn't want to teach it, why are  
13 12 you making them mention it?  
14 13 A. Again, as part of an effort to round out the  
15 14 scientific education of the students.  
16 15 Q. I know that's true, but you're not a  
17 16 professional science educator, correct?  
18 17 A. That's correct.  
19 18 Q. You don't know anything really about science.  
20 19 Isn't that correct?  
21 20 A. I wouldn't say that.  
22 21 Q. Well, you know very little about science?  
23 22 A. I know water is H<sub>2</sub>O.  
24 23 Q. You don't have any background in science beyond  
25 24 what's--  
26 25 A. I'm not a professional.

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1 00106  
2 1 Q. Are you a very knowledgeable lay person?  
3 2 A. With regards to what?  
4 3 Q. Science.  
5 4 A. Depends on what very knowledgeable means.  
6 5 Q. Do you subscribe to any scientific publications?  
7 6 A. No.  
8 7 Q. Have you ever?  
9 8 A. No.  
10 9 Q. Do you follow science developments?  
11 10 A. Yes.  
12 11 Q. Where?  
13 12 A. Discovery channel, things like that on TV.  
14 13 Q. Other than that, do you read about it in any  
15 14 newspapers?  
16 15 A. Yeah.  
17 16 Q. Which ones, York Daily Record?  
18 17 A. York Dispatch. We only have two.  
19 18 Q. Well, you don't read those regularly, correct?  
20 19 I mean, you already told me that.  
21 20 A. I don't read the letters to the editor, and I  
22 21 don't pay attention to what they say about this  
23 22 issue.  
24 23 Q. Well, you told me you read the obituaries and  
25 24 the sports page very clearly earlier, correct?  
26 25 A. Yeah. But I didn't say that was all I read.

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1 00107  
2 1 Q. In any event, you've got teachers that are  
3 2 professional science educators, and you pay them  
4 3 money to teach the students, correct?  
5 4 A. That's true.  
6 5 Q. Why did you disregard their advice on this?  
7 6 MR. GILLEN: Objection, foundation.  
8 7 A. I won't say we disregarded it. They didn't want  
9 8 to teach it, and they don't have to.  
10 9 BY MR. HARVEY:  
11 10 Q. Well, they didn't want it mentioned. Isn't that  
12 11 correct?  
13 12 A. There were some teachers that indicated that  
14 13 they weren't comfortable with mentioning that.  
15 14 Q. So why did you overrule them, these professional  
16 15 science educators?  
17 16 A. It's our job as a school board to set the  
18 17 curriculum. I won't say we overruled them  
19 18 because their concern was that because  
20 19 intelligent design was in the curriculum that we  
21 20 were forcing them to teach it. We told them  
22 21 multiple times no.  
23 22 Q. You were just forcing them to mention it?  
24 23 A. To acknowledge that that scientific theory does  
25 24 exist.  
26 25 Q. Right. But they were against that, correct?



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1 00108  
2 1 A. Yes.  
3 2 Q. Why did you force them to mention it when they  
4 3 didn't want to as professional science  
5 4 educators?  
6 5 A. As school board-- As a school board, we thought  
7 6 it was in the best interest of the students to  
8 7 do that.  
9 8 Q. That's I mean-- I mean, I would hope that would  
10 9 be true.  
11 10 A. It is true.  
12 11 Q. But why did you think it was in the best  
13 12 interest of the students to overrule the  
14 13 professional science educators?  
15 14 A. I think the science educators were operating out  
16 15 of fear. And, again, we thought it would be in  
17 16 the best interest of the students and a way to  
18 17 step towards giving them a fuller scientific  
19 18 education to mention this theory and other  
20 19 theories.  
21 20 Q. Why do you think the school teachers were  
22 21 operating out of fear?  
23 22 A. I guess they're afraid of the ACLU. I don't  
24 23 know. You have to ask them that.  
25 24 Q. Did they ever tell you they were afraid?  
26 25 A. They said they were afraid of being sued.

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1 00109  
2 1 Q. What did they say they were afraid of being sued  
3 2 about?  
4 3 A. Intelligent design. They were afraid it would  
5 4 be considered something else.  
6 5 Q. But that was all later when they said that they  
7 6 were afraid of being sued. Initially they were  
8 7 just against teaching it or mentioning it.  
9 8 Isn't that correct?  
10 9 A. That's not correct. They always had a  
11 10 background of being afraid they'd be sued.  
12 11 Q. Now, was the board meeting on October the 18th  
13 12 taped?  
14 13 A. I don't know. As I recall, our normal secretary  
15 14 was out, and someone else was operating the  
16 15 equipment, and I think there was something --  
17 16 something happened with the taping process.  
18 17 That's my recollection.  
19 18 Q. Do you remember what happened at the meeting  
20 19 October 18th?  
21 20 A. With regards to?  
22 21 Q. Intelligent design and the board's resolution.  
23 22 A. Did we establish that we passed it then?  
24 23 Q. Yes.  
25 24 A. Yeah.  
26 25 Q. Do you remember the discussion that took place?

PAGE 111

1 00110  
2 1 A. As I recall, yes.  
3 2 Q. Do you remember that approximately 11 people  
4 3 from the public stood up and spoke about it?  
5 4 A. I don't know how many people.  
6 5 Q. Do you remember that 10 of them spoke against  
7 6 it?  
8 7 A. No, I don't remember that.  
9 8 Q. Do you remember anyone speaking for it?  
10 9 A. Yes.  
11 10 Q. Who was that?  
12 11 A. You know, they come to the podium. They give a  
13 12 name. And I know that the people normally that  
14 13 come and speak against it are either relatives  
15 14 or friends of teachers.  
16 15 Q. Why would relatives and friends of teachers  
17 16 speak against it?  
18 17 A. I don't know.  
19 18 MR. GILLEN: Objection, foundation.  
20 19 A. Don't know.  
21 20 BY MR. HARVEY:  
22 21 Q. Angie Yingling voted for the resolution on  
23 22 October 18th, correct?  
24 23 A. Yes.  
25 24 Q. Did you know that she later stated that she felt  
26 25 pressured to do that because people called her

PAGE 112

1 00111  
2 1 an atheist if they didn't support it?  
3 2 A. She never told me that.  
4 3 Q. Did you ever hear that?  
5 4 A. Not from her.  
6 5 Q. Did you hear it from anybody?  
7 6 A. I might have. I think I did hear it from  
8 7 somebody, but I don't know who.  
9 8 Q. Was it true? Did anybody say that to her?  
10 9 A. Not to my knowledge.  
11 10 Q. Did you have any conversations with her about  
12 11 it?  
13 12 A. About being an atheist?  
14 13 Q. About pressuring her to support the resolution.  
15 14 A. Did I-- I don't understand the question.  
16 15 Q. Did you have any conversations with Ms. Yingling  
17 16 about supporting the resolution?  
18 17 A. Yes.  
19 18 Q. Tell me about that conversation, everything you  
20 19 can remember.  
21 20 A. I just asked her how she felt about it.  
22 21 Q. What did she say?  
23 22 A. She said I'll support you a hundred percent.  
24 23 Q. Did you say anything else to her?  
25 24 A. No, not that I recall. I don't know what else I  
26 25 would have said.



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SHEET 35 PAGE 129

1 00128

2 1 Q. Were you aware whether The Discovery Institute

3 2 made a public statement that the -- that they

4 3 don't endorse or support what the Dover School

5 4 District has done?

6 5 MR. GILLEN: Objection, relevance.

7 6 A. I haven't seen it. I've heard it.

8 7 BY MR. HARVEY:

9 8 Q. Now, if you'll turn to the article of the Daily

10 9 Record on the 20th on the third page of that.

11 10 A. Third page. I only have two pages.

12 11 Q. The one on October 20th.

13 12 A. Or did I turn two at once?

14 13 Q. There are actually two on October 20th. The

15 14 title is Dover Curriculum Move Likely a First.

16 15 A. Okay.

17 16 Q. It says there that -- I'm talking now the sixth

18 17 paragraph down -- it says, but the sentence

19 18 about intelligent design, referring to the board

20 19 resolution, was added by committee members

21 20 Buckingham, Alan Bonsell, and Sheila Harkins at

22 21 a meeting not attended by district staff.

23 22 A. How far down?

24 23 Q. Sixth paragraph down, but the sentence about

25 24 intelligent design was added by.

26 25 A. Okay, I see that.

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1 00129

2 1 Q. Is that true?

3 2 A. Yes.

4 3 Q. Now, I'd like to ask you some questions about

5 4 the implementation of the policy of the board

6 5 resolution. It's your understanding that--

7 6 What's your understanding of how this is going

8 7 to be implemented, the board's resolution?

9 8 A. It's my understanding that the teachers are

10 9 going to teach Darwin's theory of evolution and

11 10 through the course of that teaching or in the

12 11 process of that teaching, at some point in time

13 12 it will be mentioned to the students that other

14 13 scientific theories exist and intelligent design

15 14 is one of those theories, scientific theories.

16 15 Q. What if students have questions about

17 16 intelligent design, what are they going to be

18 17 told?

19 18 MR. GILLEN: Objection, foundation.

20 19 BY MR. HARVEY:

21 20 Q. Do you know?

22 21 A. They're supposed to take those questions home to

23 22 their parents or take them to a pastor at

24 23 church. The books that are donated they have

25 24 access to those if they want to take one home

26 25 and read it, discuss it with parents, whatever.

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1 00130

2 1 Q. Has there ever been a time when you've been on

3 2 the board when views of the teachers in the

4 3 school district have been not followed?

5 4 A. Say that again, I'm sorry.

6 5 Q. Has there ever been a time when you've been on

7 6 the school board where the views of the teachers

8 7 were not followed on a matter?

9 8 A. I'm not involved in some of the subcommittees.

10 9 I can't answer that one way or the other. I

11 10 don't know.

12 11 Q. I'd like you to-- So, in other words, not to

13 12 your knowledge?

14 13 A. I don't know, six, one half dozen of the other.

15 14 Q. Please take a look at Deposition Exhibit 2.

16 15 This is the answer to the complaint in this

17 16 matter.

18 17 A. Okay.

19 18 Q. On Page 2 and 3 it contains a long quote from

20 19 the Congressional Record of something that

21 20 Senator Santorum had inserted into the record.

22 21 Do you see that?

23 22 A. Yeah.

24 23 Q. Have you ever seen that before?

25 24 A. Before when?

26 25 Q. Before today.

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2 1 A. I saw it last night.

3 2 Q. Before last night, had you ever seen it before?

4 3 A. No.

5 4 Q. Did the board ever discuss it?

6 5 A. Not to my knowledge.

7 6 Q. Did the board ever discuss the No Child Left

8 7 Behind Act?

9 8 A. Oh, yeah.

10 9 Q. Did it discuss it in reference to the biology

11 10 curriculum?

12 11 A. No.

13 12 Q. Turn to Page 4. There's references to two

14 13 Supreme Court cases.

15 14 A. Okay.

16 15 Q. Did the board ever discuss either of those

17 16 references?

18 17 A. Not to my knowledge.

19 18 Q. Did you ever read this answer before yesterday?

20 19 A. No.

21 20 Q. Did you ever see any parts of it before

22 21 yesterday?

23 22 A. No.

24 23 Q. Do you know what creationism is?

25 24 A. Yes.

26 25 Q. What is creationism in your view?

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 2 1 A. In my view?  
 3 2 Q. Or your understanding.  
 4 3 A. Pretty much the book of Genesis.  
 5 4 Q. That subject has never come up at any school  
 6 5 board meeting to your recollection?  
 7 6 A. In what context?  
 8 7 Q. In any context.  
 9 8 A. Any context at all? It's been brought up by the  
 10 9 teachers.  
 11 10 Q. When was it brought up by the teachers?  
 12 11 A. Different times we talked about intelligent  
 13 12 design they kept rolling it over into  
 14 13 creationism.  
 15 14 Q. Was that at the board meetings?  
 16 15 A. Yeah.  
 17 16 Q. So the teachers mentioned creationism at board  
 18 17 meetings?  
 19 18 A. Yes.  
 20 19 Q. What did they say about that?  
 21 20 A. They were afraid that intelligent design would  
 22 21 be perceived as a back doorway to get  
 23 22 creationism into the curriculum.  
 24 23 Q. Do you know when that was said, what board  
 25 24 meetings?  
 26 25 A. It was said on different occasions at different

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 2 1 personal beliefs in any respect?  
 3 2 MR. GILLEN: Objection, relevance.  
 4 3 A. It depends on what context it's put in.  
 5 4 BY MR. HARVEY:  
 6 5 Q. Well, any context.  
 7 6 A. In any context, no, it's not inconsistent.  
 8 7 Q. Do you know who developed the press release  
 9 8 that's attached as an exhibit to the answer in  
 10 9 this matter?  
 11 10 A. The administration did. Exactly who it was, I  
 12 11 don't know, but it came from the administration.  
 13 12 Q. Did you have any role in that?  
 14 13 A. No.  
 15 14 Q. Did you review any drafts of it?  
 16 15 A. No.  
 17 16 Q. I just need to clarify one thing from earlier.  
 18 17 We asked-- I asked you what was your purpose in  
 19 18 supporting the board resolution of October 18th.  
 20 19 Do you remember that?  
 21 20 A. Yes.  
 22 21 Q. And you told me some things about having a  
 23 22 balance between various--  
 24 23 A. Scientific theories.  
 25 24 Q. Right. And I'm not sure whether I asked you  
 26 25 specifically what was said by the other board

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 2 1 board meetings throughout this process.  
 3 2 Q. Which teachers?  
 4 3 A. Bertha Spahr, Jen Miller.  
 5 4 Q. What was said in response to that by any people  
 6 5 on the board?  
 7 6 A. We indicated that it is not our intent to teach  
 8 7 creationism. It is not our intent to teach  
 9 8 intelligent design. Our intent is to explain to  
 10 9 the students that there are other theories,  
 11 10 scientific theories, along with Darwin's theory  
 12 11 of evolution.  
 13 12 Q. Earlier today I asked you about whether the  
 14 13 theory of evolution was inconsistent with your  
 15 14 personal religious beliefs, and you told me it  
 16 15 was. You don't need to confirm that. Just kind  
 17 16 of remember--  
 18 17 A. I think I said it wasn't.  
 19 18 Q. No. You definitely said that the theory of  
 20 19 evolution was inconsistent with your personal  
 21 20 religious beliefs at least to the extent that it  
 22 21 taught that life forms were derived from a  
 23 22 common ancestor.  
 24 23 A. Origins of life, yes.  
 25 24 Q. Is the theory of intelligent design as you've  
 26 25 phrased it, is that inconsistent with your

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 2 1 members about the purpose of the resolution or  
 3 2 even if you remember hearing anything about  
 4 3 that.  
 5 4 A. That was consistent with what I said earlier to  
 6 5 you.  
 7 6 Q. Do you remember statements made by the board  
 8 7 members?  
 9 8 A. Absolutely.  
 10 9 Q. Which board members?  
 11 10 A. Alan Bonsell, Sheila Harkins, Heather Geesey,  
 12 11 Janie Cleaver, myself, Noel Wenrich. I guess  
 13 12 that's it.  
 14 13 Q. And you remember all of those people speaking up  
 15 14 about the purpose?  
 16 15 A. Yes, I do.  
 17 16 Q. Was that on October 18th?  
 18 17 A. I won't say it was on October 18th. That  
 19 18 happened I would say within a period of three  
 20 19 meetings, two before and October the 18th.  
 21 20 Q. It was all, as I understand, a balanced  
 22 21 presentation of these theories, correct?  
 23 22 MR. GILLEN: Objection to the  
 24 23 characterization of the testimony.  
 25 24 BY MR. HARVEY:  
 26 25 Q. Well, I just want to understand.